

## **REMARKS**

The Applicant has carefully considered this application in connection with the Examiner's Action and respectfully requests reconsideration of this application in view of the foregoing amendment and the following remarks.

The Applicant originally submitted Claims 1-21 in the application. The Applicant later canceled Claims 1, 2, 9 and 16. The Applicant has again amended Claims 1, 8 and 15. The Applicant has not added any Claims 2, 9 and 16 without prejudice or disclaimer. Accordingly, Claims 1, 3-8, 10-15, and 17-21 are currently pending in the application.

### **I. Rejection of Claims 1, 3-8, 10-15, and 17-21 under 35 U.S.C. §103**

The Examiner has rejected Claims 1-3, 5-10, 12-17, and 19-21 under 35 U.S.C. §103(a) as being unpatentable over Wada, *et al.*, U.S. Patent No. 5,845,079 ("Wada") in view of Suzuoka, *et al.*, U.S. Patent No. 5,933,832 ("Suzuoka").

As set forth in the response to the first examiner's action, Wada teaches a mobile migration communication control device that is available to any apparatus on existing networks. Wada allows continuous communication between a mobile node and a node unaffected by the mobile node's migration and also includes a migration post transmission unit.

Wada does not teach or suggest a communication manager which directs communication, when a requested site is a mobile site, either to the mobile site when the mobile site is available or to a mirror site of the mobile site when the mobile site is unavailable. Nor does Wada teach or suggest a mirror site couplable to a computer network. Wada provides no structure that would support mirroring.

The Examiner pairs Suzuoka with Wada in an attempt to render the rejected Claims unpatentable. Suzuoka is directed to a retrieval system for performing database retrieval in response to a retrieval request. Suzuoka includes a database preparing means for collecting corresponding data to prepare a database under at least a condition that an update frequency range of data serving as a target for index table generation is uniquely assigned to the database, and an update frequency of data falls within the assigned update frequency range, or a mean update frequency of a data group to which the data belongs falls within the assigned update frequency range. The Examiner appears to cite Suzuoka for the sole proposition that a site can be mirrored to allow traffic load to be shared.

Unfortunately, Suzuoka fails to cure the deficiencies of Wada. Neither reference provides a mirror for a mobile site. Neither reference routes a request to a mirror site (1) when the intended site is a mobile site and (2) when the mobile site is out of wireless communication with the network.

Therefore, the combination of Wada and Suzuoka does not include all of the limitations cited in Claims 1, 8 and 15. Claims 1, 8 and 15 are not even *prima facie* obvious.

Even were the combination of Wada and Suzuoka to teach all of the limitations of the rejected Claims, there exists no motivation to combine. Wada requires continuous communication with the mobile site in order to forward requests, provides no mechanism by which to fulfill such requests in the absence of such communication and thus would have no use for a mirror site. Suzuoka treats its primary and mirror sites equally and does not determine whether the primary site is out of communication before routing requests to the mirror site. Given the symmetry of Suzuoka's mirroring, Suzuoka would have no use for the data forwarding that Wada provides. Therefore, one having ordinary skill in the art, having one of the two references in hand, would have no motivation to look for and combine the teachings of the other. For this additional reason, *prima facie* obviousness is lacking.

Since Claims 3-7, 10-14 and 17-21 are dependent on Claims 1, 8, and 15, respectively, the combination of Wada and Suzuoka also fails to establish *prima facie* obviousness with respect to these dependent claims.

The Examiner also argues that Claims 4, 11, and 18 are unpatentable over Wada and Suzuoka in view of Adiwoso, *et al.*, U.S. Patent No. 5,963,862 (“Adiwoso”). Adiwoso teaches an integrated telecommunications system providing fixed and mobile satellite-based services. However, Adiwoso does not teach or suggest a communication manager that directs communication to a mirror site only when a requested mobile site is not in wireless communication with the network. Nor does Adiwoso teach or suggest a mirror site couplable to a computer network.

Since Wada, Suzuoka and Adiwoso, taken apart, neither teach nor suggest either the communications manager or the mirror site as claimed, their combination fails to teach or suggest the communications manager and mirror sites. Therefore, the combination fails to establish a *prima facie* case of obviousness regarding Claims 4, 11, and 18.

The Applicant has also reviewed the prior art cited but not relied upon by the Examiner and has found it less pertinent than the art relied on by the Examiner.

In view of the foregoing remarks, the cited references do not support the Examiner's rejection of Claims 1, 3-8, 10-15, and 17-21 under 35 U.S.C. §103(a). The Applicant therefore respectfully requests the Examiner withdraw the rejection.

## II. Conclusion

In view of the foregoing amendment and remarks, the Applicant now sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 1, 3-8, 10-15, and 17-21.

The Applicant requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

**HITT CHWANG & GAINES, P.C.**



David H. Hitt  
Registration No. 33,182

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P.O. Box 832570  
Richardson, Texas 75083  
(972) 480-8800